



HF 527 – DNA Sampling (LSB 1176HV)

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Fiscal Note Version – As amended and passed by the Senate

Description

House File 527 requires a person convicted of an aggravated misdemeanor to submit a DNA sample if the offender is 18 years of age or older. This Bill exempts [Iowa Code chapter 321](#) (motor vehicle) offenses, Iowa Code section 321J.2 second offense violations, and offenses under Iowa Code chapters 716B, 717A, and Iowa Code section 725.7. This Bill takes effect July 1, 2014 (FY 2015), and does not apply retroactively to offenders currently under supervision.

Background

- The current DNA profiling program applies to persons with a deferred judgment or conviction for a felony; a sexually violent predator; a person found not guilty by reason of insanity for an offense that requires DNA profiling; a juvenile adjudicated delinquent for an offense that requires DNA profiling; a person required to register as a sex offender; or a person in custody, control, or jurisdiction of a supervising agency prior to June 14, 2005, with an offense that requires DNA profiling.
- The DNA kits are provided by the Department of Public Safety (DPS) and are paid from the General Fund appropriation to the Division of Criminal Investigation (DCI). The total cost for one DNA kit is \$26.46 (includes the kit, analysis samples, and equipment maintenance costs). The DPS provides the DNA kits to the Department of Corrections (DOC) and to county jails.
- Aggravated misdemeanor sex offenders are currently required to give DNA and are excluded from the following percentages. According to the Justice Data Warehouse for FY 2012, the following shows DNA required under the Bill broken down by race:
 - 68.8% Caucasian
 - 18.5% Black
 - 3.9% Hispanic
 - 1.6% Native American
 - 0.6% Asian
 - 1.1% other races
 - 5.5% unknown

Assumptions

- All offenders that have previously provided a DNA sample are not included in this estimate.
- There are an estimated 8,800 aggravated misdemeanants. Removing all offenders convicted of Iowa Code chapter 321 offenses, Iowa Code section 321J.2 second offense, Iowa Code chapters 716B, 717A, and Iowa Code section 725.7, and juveniles waived to adult court from the offenders eligible to provide a DNA sample under this Bill results in 5,600 misdemeanants.
- Of this amount, 86.0% of the samples will be taken at the county sheriff offices and the remainder will be taken by the DOC.
- The DPS will require an additional 1,400 kits to be utilized for control studies.

- The DPS will require 2.0 FTE positions. The salary and benefits for one entry-level criminalist is \$71,000.
- The impact on minorities will remain consistent with current data.

Fiscal Impact

The following table shows the increased General Fund cost to the DPS for FY 2015 and FY 2016.

| | <u>FY 2015</u> | <u>FY 2016</u> |
|-----------------------|-----------------------|-----------------------|
| DOC and CBC Offenders | 800 | 800 |
| Sheriffs Offices | 4,800 | 4,800 |
| DPS Control Kits | 1,400 | 1,400 |
| Total Kits | 7,000 | 7,000 |
| Price per kit | x \$26.46 | x \$26.46 |
| Total Sample Costs | \$185,000 | \$185,000 |
| 2.0 FTE Positions | 142,000 | 142,000 |
| Total | <u>\$327,000</u> | <u>\$327,000</u> |

Sources

Department of Human Rights, Criminal and Juvenile Justice Planning Division
 Department of Public Safety
 Department of Corrections
 Attorney General's Office

/s/ Holly M. Lyons

May 6, 2013

The fiscal note for this bill was prepared pursuant to [Joint Rule 17](#) and the Iowa Code. Data used in developing this fiscal note is available from the Fiscal Services Division of the Legislative Services Agency upon request.
